

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
NORFOLK DIVISION**

IN RE ZETIA (EZETIMIBE) ANTITRUST
LITIGATION

MDL No. 2:18-md-2836

This Document Relates to: All Actions

ORDER AND STIPULATION

WHEREAS, the parties are mindful of this Court's admonitions to severely limit sealing confidential materials in connection with the briefing of summary judgment and other substantive motions to be filed in this phase of this litigation (*See, e.g.* Court's minute entry wherein it "advised [the] parties to consider carefully any sealing requests in support of dispositive motions." ECF No. 1018);

WHEREAS, the parties agree that with the exception of specific pricing or financial information, the parties will not seek to seal the contents of any of the following: (i) any expert report, (ii) any expert deposition, (iii) any deposition of a Defendant or defense-affiliated witness, and (iv) any document produced by a Defendant. To the extent any party submits a portion of an expert report or deposition that reveals third party confidential information, that party will either seek the third party's consent to public filing or seek sealing of only the third party information. This shall modify the parties' duty to file materials under seal under the Protective Order entered in this Case (ECF No. 171).

ACCORDINGLY, IT IS HEREBY AGREED AND STIPULATED BY ALL PARTIES, THAT:

1. With the exception of specific pricing or financial information, or personal health information, the parties will not seek to seal the contents of any of the following: (i) any expert report, (ii) any expert deposition, (iii) any deposition of a Defendant or defense-affiliated witness,

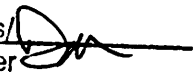
and (iv) any document produced by a Defendant; and 2. To the extent any party submits a portion of an expert report or deposition that reveals third party confidential information, that party will either seek the third party's consent to public filing or seek sealing of only the third party information.

3. Nothing in this stipulation is intended to relieve any party of its burden to establish that a document qualifies for sealing, nor does it concede the propriety of the sealing of any document. The parties reserve the right to challenge the sealing of any document.

4. A party filing documents produced by an opposing party originally designated "Highly Confidential" that now fall within the categories in paragraph no. 1 may file those documents under seal to allow for consultation to determine if any of them contain "specific pricing or financial information, or personal health information."

SO ORDERED

Dated: September 8, 2021

/s/ 
Douglas E. Miller
United States Magistrate Judge

Douglas E. Miller
United States Magistrate Judge

STIPULATED BY THE PARTIES:

<p><u>/s/ Stephen E. Noona</u> Stephen E. Noona (VSB No. 25367) KAUFMAN & CANOLES, P.C. 150 W. Main Street, Suite 2100 Norfolk, VA 23510-1665 Telephone: (757) 624-3239 Facsimile: (888) 360-9092 senoona@kaufcan.com</p> <p><i>Counsel for Defendants Merck & Co., Inc., Merck Sharp & Dohme Corp., Schering-Plough Corp., Schering Corp., MSP Singapore Co. LLC</i></p>	<p><u>/s/ Richard H. Ottinger</u> Richard H. Ottinger (VSB No. 38842) Dustin M. Paul (VSB No. 75287) Jennifer L. Eaton (VSB No. 87491) VANDEVENTER BLACK LLP 101 West Main Street, Suite 500 Norfolk, VA 23510 Telephone: (757) 466-8600 Facsimile: (757) 446-8670 rottinger@vanblacklaw.com dpaul@vanblacklaw.com jeaton@vanblacklaw.com</p> <p><i>Counsel for Defendants Glenmark Pharmaceuticals, Ltd. and Glenmark Pharmaceuticals Inc., USA incorrectly identified as Glenmark Generics Inc., USA</i></p>
<p><u>/s/ William H. Monroe, Jr.</u> William H. Monroe, Jr. (VSB No. 27441) Marc C. Greco (VSB No. 41496) Kip A. Harbison (VSB No. 38648) Michael A. Glasser (VSB No. 17651) GLASSER AND GLASSER, P.L.C. Crown Center, Suite 600 580 East Main Street Norfolk, VA 23510 Telephone: (757) 625-6787 Facsimile: (757) 625-5959 bill@glasserlaw.com marcg@glasserlaw.com kip@glasserlaw.com michael@glasserlaw.com</p> <p><i>Local Counsel for Direct Purchaser Plaintiffs FWK Holdings, LLC, Rochester Drug Cooperative, Inc., Cesar Castillo, Inc. and the Proposed Direct Purchaser Class</i></p>	<p><u>/s/ James A. Cales III</u> James A. Cales III (VSB No. 41317) Alan Brody Rashkind (VSB No. 12658) FURNISS, DAVIS, RASHKIND AND SAUNDERS, PC 6160 Kempsville Circle, Suite 341B Norfolk, VA 23502 Telephone: (757) 461-7100 arashkind@furnissdavis.com jcales@furnissdavis.com</p> <p><i>Liaison Counsel for the Proposed End-Payor Class</i></p>
<p><u>/s/ Adam M. Carroll</u> Adam M. Carroll (VSB No. 68017) WOLCOTT RIVERS GATES Convergence Center IV 200 Bendix Road, Suite 300 Virginia Beach, VA 23452 Telephone: (757) 554-0249 Facsimile: (757) 554-0248 acarroll@wolriv.com</p> <p><i>Liaison Counsel for the Retailer Plaintiffs</i></p>	

CERTIFICATE OF SERVICE

I hereby certify that on August 8, 2020, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send a notification of such filing (NEF) to all counsel of record who have made a formal appearance.

Dated: August 8, 2020

/s/ Stephen E. Noona

Stephen E. Noona (VSB No. 25367)
KAUFMAN & CANOLES, P.C.
150 W. Main Street, Suite 2100
Norfolk, VA 23510-1665
Telephone: (757) 624-3239
Facsimile: (888) 360-9092
senoona@kaufcan.com

*Counsel for Defendants Merck & Co., Inc.,
Merck Sharp & Dohme Corp., Schering-
Plough Corp., Schering Corp., MSP
Singapore Co. LLC*